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Sui Juris

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BOSTON, MASSACHUSETTS

JANUARY, 1960

STATE'S HIGHEST COURTS NAME FOUR AS CLERKS

Christmas Message

Bethlehem is a word that paints a picture of angels, shepherds, kings, a star, a cave, a manger, and a Child. The Child is in the center of the picture for Bethlehem is the Child and the Child remains. That is why He came—to remain. The Child preserved Bethlehem forever. He took His body and changed it into the gleaming white Host. Christ lives on in the Host that He may live on in you, not merely as a memory but as a power and a life.

I will remember all of you in my Christmas Masses and prayers, as I do each day, that the Christ Child may live on in you and bless you and give you the peace and happiness of Bethlehem for all the days of your years.

*Michael P. Walsh, S.J.
President*

NOSTRADAMUS SPEAKS

Chick Peznola

As the new year approaches, people may be seen gazing into the east for a light. At the Law School, the students in the first year look with the hope that the light will erase the darkness of confusion which has descended upon them in their current undertaking. Also about this time each year, the upperclassmen of the Law School end their three-month long silence and consent, when pressed, to make an attempt to alleviate the mist of confusion engulfing the first-year student. The boat now being occupied by the freshmen is an annual cruise and those fortunate enough to have survived the storms of prior voyages have accumulated some experience which may be of aid to the novice mariner.

The words that follow are directed to the first-year students. They are not designed as a comprehensive answer to all of the mysteries which enshroud the quest for a legal education, but are merely an attempt to offer a little assistance in a few basic matters, by one who surprisingly finds himself in his third year and thinks he knows (or wonders) why.

As you gaze about you, many bright faces will come to your at-

tention. Look closely because 35 to 40 percent of these happy faces may within the next two years unfortunately and uncerimoniously flunk out. This is said not to frighten, but rather to encourage diligence in your studies, for diligence is a commodity of great importance and one which if you have not as yet you should shortly acquire.

By now, it is hoped, you realize that you are studying law by an old and proven method, namely by the use of the case book. The first hint to success is that you go out and purchase one of these for each of your courses. In prior years, students have tried to get along without them, but experience indicates that you won't know the players in the legal ball game without a program. Having book in hand, the next most important asset to acquire is an ability to read and digest the cases that are assigned to you. There is no one method which has proven best, but generally, cases are read once to familiarize the student with the facts and issues involved, thereafter, a second reading of the case has as its purpose a pin-pointing of the issues, a realization of the distinctions made by the court and an application of the court's reasoning to such issues, resulting in

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J. F. Mahoney

Four Boston College Law School seniors have been appointed clerks to judges of the highest courts of the state. Three will serve their clerkships in the Supreme Judicial Court; the other will serve as clerk to the Chief Justice of the Superior Court. The four, selected primarily because of their outstanding academic achievement, will hold their respective positions for one year. These appointments, together with those from other law schools, represent the end result of careful scrutiny and consideration on the part of the universities represented and by the judges themselves, on whom the final choice rests.

Of the seven recently-announced appointments to the Supreme Judicial Court, the three from the Law School are Robert Romero, John Owen Todd, and Brian Callahan. Edward Harrington received his appointment to the Superior Court.

MOOT COURT

John J. Johnson

"Pardon me, Sir. What are you doing?"

"I'm writing a brief for the Bostonia Competition."

"Ah-hah, a man who thinks for himself. Tell me, Sir, do you think everyone should be in the Bostonia Competition?"

Above is a typical conversation which would take place if a Madison Avenue advertising agency were handling the advertising campaign for the Moot Court here at Boston College Law School. Law school students are thinking people and this article is written in an attempt, not to brainwash the student body, but to make it clear that in most cases the answer to the above question should be yes.

The Regional Moot Court Competition has come and gone. Boston College Law School had an exceptionally fine team representing them this year, but it did not win the Regional Competition.

"Why not?", you may ask yourselves, and the answer becomes apparent when you take a look at the record. Out of this year's present third year class only 28 people out of a possible 89 participated in the Bostonia Competition last year. Were the people representing Boston College Law School, the best we had to offer? They probably were, but we will never know for certain, because 61 possible winners did not argue.

In an effort to meet this problem a new system has been inaugurated, the club system. The purpose of this club system is twofold, first to create a solid school spirit, and second to provide technical advice for brief writing. By combining third, second, and first year students in one club it makes it possible for the students, first, to get to know one another better; second, it gives the upperclassmen a chance to watch and encourage promising first year students; and third, it gives the first year students an opportunity to get assistance in their brief writing and their oral arguments from students who have been through the mill.

The club system is a good idea in itself, but it needs something more to make it operate properly. It needs the assent of the student body. Therefore the club rules and regulations have purposely been left loose and flexible. The individ-

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In the involved process of selection the first step is taken by the law school itself. The names and academic records of many eligible students are submitted by the school to the respective courts. The standards applied are many; but they obviously involve academic standing as well as participation in such activities as the Law Review, the Annual Survey of Massachusetts Law, and the Moot Court competition. The final determination, however, is in the hands of the judges themselves, who base their appointments on the results of their personal examination of the qualities of the many applicants, exhibited by the academic records, personal interviews, and the individual standards of the respective judges.

Brian T. Callahan, 27, of Medford, has been appointed clerk to Chief Justice Raymond Wilkins of the Supreme Judicial Court. He is married and the father of two young children. He attended Boston College and his major courses were Philosophy and Mathematics, graduating in 1953. His next four years were spent in the Navy, attached to the staff of Admiral Jerauld Wright. While in the Law School he served on the Law Review staff and was named to the Dean's List. He plans, after the completion of his clerkship, to obtain a master's degree in Taxation and eventually to teach in a law school.

Robert A. Romero, 23, an Auburndale resident, has been selected to serve as clerk to Judge James Ronan of the Supreme Judicial Court. Romero, married, and the father of two young boys, graduated from Harvard in 1957 where he majored in Government. He entered the Law School on a Presidential Scholarship and while here he has maintained consistently high grades and has participated in the Moot Court program. He is presently a member of the staff and contributor to the Law Review.

Appointed as clerk to Justice Edward Counihan of the Supreme Judicial Court, John Owen Todd, 24, of Milton, succeeds last year's appointee from the Law School, Mike Batal. Todd, recently married, graduated from Harvard in 1957 where his major fields of study were History and Science. During his career at the Law School he devoted much time in assisting Mr. Morrison, chief librarian of the Law School Library,

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AN INQUIRY

Certainly a Law School Forum is an essential part of balanced legal training. It is true also (we hope) that a newspaper is an integral part of academic life. There is, however, a danger that student activities and those engaged in them will develop a "team spirit" which can cause faults to be ignored. With this in mind the *Sui Juris* would like to ponder, respectfully, some facets of our own Forum program. One wonders, for example, just why that last hour on Thursday mornings was kept open. We understood that it was to make possible a ready audience for the many speakers who would appear from time to time during the semester to address us, speakers who, presumably, could not come at any other time. Prescinding from the ethics of a "captive audience" in an academic community can we not ask why only two speakers have appeared during three months of classes? Those who wait until two o'clock on Monday or any other day for a class may also wonder why, if the hour is to be wasted, the schedule cannot be arranged to substitute classroom hours for time spent on Thursday waiting for the proverbial "little man who wasn't there?" Again why has the Forum seen fit to extend invitations to politicians to speak here? It was its policy not to do so originally. Clearly time has proven the wisdom of that initial determination. Why have the very excellent evening programs received so little publicity? The Forum insists that there is a large audience in greater Boston which would be delighted to attend such affairs. However, if a prospective listener can find out that a particular Forum is being held when the extent of the advertising consists of posters placed within the walls of the Law School, he has mastered psychic communication to an unusual degree. Another possibility suggests itself, namely, that the Forum has discovered a method of communication without benefit of visible signs which has heretofore eluded those in the field of extra sensory perception. Since neither possibility appears likely, the harsh fact is that those fine evenings which have been planned are not receiving the kind of publicity they deserve, the kind of publicity which will benefit both the Forum and the Law School. The *Sui Juris* hopes that the Forum will take steps to eliminate these deficiencies, both as to the Thursday morning and the evening programs. In that way we shall all benefit.

* * *

BRIGHTER TOMORROWS

Now that the first round Moot Court Program is over, it is only right to notice that it is asking quite a bit of a neophyte to take hold of a moot court problem, produce a passable brief and deliver himself of a respectable oral argument all when he is still trying to find out if you can still bring detinue in New Jersey. Yet the consensus is that the arguments were excellent indeed. Credit for this must go in very large measure to Mr. John J. Johnson, of the third year class, Clerk of the Moot Court, who has, single-handed, had the courage and drive to change a stumbling, floundering program into a thought-out and organized system of Law Clubs. Kudos are due also to those who gave time and interest to the Clubs in an effort to break some of the ice and dispell some of the darkness surrounding the Moot Court program in the minds of first-year members. Naturally, no little praise is due to the participants themselves. They had to do the work. Now that things in this field are so well begun and there has been a break (complete, we hope) with past programs, perhaps another weak link can be eliminated. When the second semester arguments are at hand, is it possible that that blight, the smug, over-bearing, bellowing, vaulted into a position as "judge for a day" from his obscure seat in the second or third year class to make things miserable for the first year participants (when all he does is pass judgment on himself) will have disappeared from the scene? Then what appears to be the beginning of a new era for Moot Court will really have a chance to develop free from pettiness—develop to a point where one day soon, the Law School will have a team in the Nationals.

BOOKS...

ADVISE AND CONSENT By Allen Drury

Philip W. Riley

"... and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States whose Appointments are not herein otherwise provided for, and which shall be established by law, . . ."

Seldom do constitutional provisions occupy the public stage as has this one, particularly of late, in the celebrated cases of Mrs. Luce and Admiral Strauss. It is hard, in view of such events, to conceive of a more timely occasion for the presentation of this tale of life in the nation's capital. It has been suggested that the theme is indeed too timely, thus rendering the book ephemeral in interest and value. It is submitted, however, that the question of the book's viability has little to do with the vehicle used to serve its real purpose.

That vehicle is the submission by the President to the Senate of the name of controversial young Bob Leffingwell to be Secretary of State. The story is set at some indefinite time in the contemporary future. The present-day conflict between this country and the Soviet Union persists, and the aging, yet still powerful, President seeks to develop a new approach in relations with Russia. The appointment of Leffingwell is an important link in forging this new chain. The story which follows concerns itself with the conflicts engendered, animosities stirred and hopes enkindled by the nomination. In the course of presenting them, the author sweeps the whole panorama of the Washington scene within the confines of this massive book. There parades before the eye not only the members of the august body itself, but numerous ambassadors, hostesses and reporters who serve as a sort of Greek chorus recapitulating events and speculating on what is to come.

The merits and shortcomings of the nomination are seen through the eyes of the four principal figures whose names are borne by the four major divisions of the book.

Senator Bob Munson of Michigan, the Majority Leader, is the down-to-earth practical politician type who nonetheless experiences, though he never discloses publically, a rather paternal sense of responsibility for the country. On his capable shoulders falls the major burden of promoting the Leffingwell cause, which he does to the last, albeit with ever-lessening fervor as he views the consequences that it has wrought.

Senator Seab Cooley is a crusty old curmudgeon from South Carolina, "the brightest boy who ever grew up in Barnwell." He is, initially, the principal antagonist seeking to block the nomination, chiefly because of an alleged affront to his dignity perpetrated by the erstwhile nominee several years earlier.

Brigham Anderson is the young, yet senior senator from Utah; brilliant, aloof, self-possessed, unhappy in his homelife, devoted to his work. The respect and esteem of his colleagues and their regard for his impartiality places him in the delicate position of chairman of the special subcommittee holding the hearings on the President's selection. Uncommitted at the outset, he becomes the prime opponent of both Senator Munson and ultimately the President, upon learning that Leffingwell lied to the subcommittee concerning possible Communist leanings in his youth. While appearing at first as impeccable as Caesar's wife, Senator Anderson himself conceals, as guardedly as does the nominee, a secret long buried in his past which is unearthed to destroy him when he proves irreconcilable in his opposition.

Senator Orrin Knox, the political stepfather of Brigham Anderson, hides an emotional, sensitive nature behind a prickly, bristling exterior. But for one of the few political slips of his career, committed at the national convention, he might have sat in the White House. His personal conflict with the President prevents him from viewing any of the latter's endeavors with an unbiased eye. His basic honesty wars with what he deems the devious political machinations of the Chief Executive. After the demise of his young friend, his intransigence intensifies and his long-standing contempt for the man at 1600 Pennsylvania Avenue is replaced by a "hatred so deep and so cold that it lies upon his heart like a stone."

At great length the matter comes to a head, the vote is taken, and what by that time are made to appear the forces of outraged righteousness prevail. Robert Leffingwell does not become Secretary of State.

It would seem that the book, already overlong, might well have been ended at this foreseen yet still climactic juncture. The author presses on, however, piling improbable events upon one another. Senator Richard Neuberger writing in the *New York Times* notes, "Far too much of a startling nature happens during the book's final sections. The reader turns to the last page gingerly half expecting that it may bring forth a Martian invasion of the White House lawn. . . ."

The characterizations are on the whole believable, if somewhat trite. The author is at his best while categorizing minor characters in brief, hard-hitting terms. His descriptions of the principals, particularly Seab Cooley and Brigham Anderson tend to be too disjointed and long-winded. A shorter and perhaps more cogent exposition would have brought them into bolder relief.

The style in which the book is written has been described as "rich, heavy and unselective." In his efforts to paint a comprehensive portrait, Mr. Drury has given us a rather sprawling presentation that is sometimes difficult to follow. There are a number of irrelevancies that would have been better omitted, such as the romance between Senator Knox's son and the daughter of one of his Senate associates.

The heaviness in style is not matched in depth. The book raises no problems and solves none. Its worth must be measured by whether it presents a valid picture of the inner workings of the American system of self-government, that unique and mystic process out of which there somehow emerges a product that seems immeasurably better than the ingredients that went into it. On this score the book has evoked mixed reactions. The reviewer for the *New Republic* objects to the picture presented on the grounds that it places too much emphasis on the "deals" by which compromises are effected. He feels that the average Senator is not so unconscious of his public duty as he believes he is made to appear. He says in summation that "This is a portrait of an America that never really was and which, despite the fact the book is set in the future, has never, thank God, the slightest chance of ever being." On the other hand, Arthur Krock, writing in the *New York Times*, says, "... it gives the first authentic portrait of Washington politics at the capitol and in the White House, and of the official social life in Washington that I have ever seen in the form of fiction." Your reviewer is not in a position to assess which of these positions is correct, but it might be well to point out that the "men in the field" seem to lean toward the latter view, e.g. Senator Neuberger in his review.

Sui Juris

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LAURENCE McCARTY
Editor-in-Chief
Faculty Advisor
REV. JOHN A. TOBIN, S.J.

Daily Rosary

12:10 Room 302

The Alumni Page...

Daniel T. Coughlin, Assistant Dean.

The stimulating panel discussions held on Lawyer's Day, November 7, 1959, were climaxed by an interesting and informative speech delivered by Thomas F. Lambert, Jr., Editor-in-Chief, NACCA Law Journal.

Mr. Lambert addressed his remarks to a consideration of current and notable trends in the field of Tort Law. The eroding away of long established immunities such as landowner's liability to trespassers, immunity for non-feasance and the increased recognition by courts to a right of recovery for pre-natal injuries were examples cited by Mr. Lambert to illustrate the proposition that the field of Tort Law is undergoing constant development.

The response by the Alumni to Lawyers Day confirms the value of such programs. All who attended will agree that the day proved to be valuable and enjoyable.

On January 16, 1960, an Institute will be conducted at the Law School to discuss ways in which the relationship between the professions of Law and Journalism can be improved. As the first institute of its kind in New England, it is expected to evoke considerable interest among members of both professions.

To explore ways to improve and harmonize the relationship between the bar and the press, panels composed of distinguished members of both groups will explore areas which have produced contention in the past.

Further information concerning the Institute will be forthcoming in the near future.

The Alumni Association sponsored a breakfast at the Boston Club in November to honor newly-admitted members of the Class of 1959. Testimony to the success of this function is found in the favorable reactions of all who attended.

Walter Hurley, '54, Treasurer of the Alumni Association, welcomed the members of the Class of 1959 into the Association.

All Rhode Island graduates of the Class of 1959 passed that State's bar examination this year. They are: Richard Abedon, Joseph A. Doorley, William Hess and Quinlan Shea.

The Alumni Association will sponsor a Labor Law seminar in January, 1960, devoted to a consideration of the recent Landrum Griffin amendment to the Taft-Hartley Act.

This recent amendment has evoked considerable interest among the practicing bar, for its ramifications portend significant changes in the field of labor law. The importance of this new law will motivate many to attend the Seminar.

Particulars regarding the Seminar will be forthcoming from the Alumni Association.

We are all aware of the recent publication of the Boston College Industrial and Commercial Law Review. As members of the Alumni Association, we can take pride in this review, not so much because it is a national law review, but in the knowledge that it is the first law review to be published in the United States devoted exclusively to a consideration of the important field of commercial law.

Those on the faculty, the Board of Student Editors, contributors of articles and all who have enabled this publication to become a reality are deserving of our appreciation. It is through such as this that the progress and development of our Law School is expressed.

The Alumni can further assure the success of this publication through its promotion among others with whom we come in contact in daily practice.

Published twice annually, the subscription cost for one year is \$4.00.

On Sunday evening, February 7, 1960, the St. Thomas More Guild will sponsor a lecture by the Philomatheia Professor of Literature at Boston College, P. Albert Duhamel, in commemoration of the birthday of St. Thomas More, February 7, 1478. Professor Du-

hamel will speak on "The Family Life of St. Thomas More."

The St. Thomas More Guild was addressed by Honorable George F. McGrath, '53, Commissioner of Corrections for the Commonwealth. Mr. McGrath spoke on the program which he seeks to carry out in the correctional institutions of the Commonwealth.

A Pre-Legal Institute for college upperclassmen was conducted at the Law School in December.

It has been recognized that the transition between college and law school requires some adjustment to classroom procedure and the manner of academic study required in law school. To afford a service which will assist the student contemplating law as a career, our Law School has within the past five years conducted Pre-Legal Institutes which have met with enthusiastic response on the part of those who have attended.

A case method class was held, as well as a seminar devoted to a discussion of the profession of law and opportunities available to those who choose it as a career.

Another such Institute has been planned for the spring.

Congratulations are in order to the following Alumni who were elected to their respective offices in November:

Paul V. Mullaney, '48, elected to the Worcester, Massachusetts Library Council.

Peter F. Hines, '52, re-elected to the Boston Library Council.

John D. Dwyer, '56, elected to the School Committee of Medford, Massachusetts.

William Kendrick, '59, elected to the School Committee of Boston.

Mention should be made, also about the election of **Richard J. Monahan**, member of the Third Year Day Division, to the School Committee of Waltham, Massachusetts.

Class of 1949—

Robert J. Bernard, who is associated with the Association of Western Railways Law Department, Chicago, Illinois, recently published an article in the "I.C.C. Practitioners' Journal".

Class of 1956—

Richard Glennon has accepted a position with the C.P.A. firm of Peat, Marwick, Mitchell & Company, Boston, Massachusetts.

John Kane has been appointed Loan Officer of the National Shawmut Bank, Boston, Massachusetts.

Class of 1957—

Edward J. Stegmann has become associated with the law firm of Welch, Mott & Morgan, Washington, D.C.

Class of 1958—

John Paul McEleney has become associated with the Department of Health, Education and Welfare, Bureau of Old Age and Survivor's Insurance, Baltimore, Maryland.

Class of 1959—

Kenneth J. Dwyer has become associated with the Social Security Administration, Baltimore, Maryland.

Robert W. McAllister has been appointed Assistant to Director of

Labor Relations for the Wall Street Journal, New York, New York.

Owen D. Lynch has joined the law office of Paul Mark Ryan, Boston, Massachusetts.

Francis W. Gorham, Jr., has joined the law office of Dewey Kadra, Framingham, Massachusetts.

MOOT COURT

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ual clubs can collect dues, award certificates, help one another on research work, in fact can do almost anything at all, depending upon the desires of the individuals who make up the clubs.

In a further effort to obtain the assent of the student body, the SBA has voted \$150.00 to be used at the Chairman's discretion for the purpose of promoting the Boston Competition. The club to which The Boston Competition winners belong, will get this \$150.00. Therefore the Competition should be a club effort. Only you the students by your interest and your work can make this possible.

The question each student must therefore ask himself is this, "Do I owe it to the Law School which has taught and nurtured me, to make and extra effort to insure that in competitions with other schools, our best foot will always be forward?"

The answer is obviously yes, for it is the student body who are Boston College Law School, not the faculty, not the administrations but you who are represented in the Moot Court Competitions with other schools. And only you can make the competition a success.

NOSTRADAMUS

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a knowledge of the principle or principles contained therein. In your classroom work, the daily coverage of the cases will indicate to the student whether or not he has or has not fully understood the cases and if he has not will point out where and what he has missed. Don't be discouraged if you now and then miss an issue or fail to understand a distinction made . . . if we all understood everything, there would not be a need for class.

On the question of class notes, various answers may be given by third year students but once again it's a personal thing. One student in my class has done very well with a minimum of note taking but on the other hand another student has done even better with a notebook as voluminous as the rough draft of Tolstoy's "War and Peace". Experience will provide the answer. I take a complete set of class notes. Sometimes I use them and then again sometime I do not. I feel, however, that should I need them, I will have them. (Note taking is also conducive to keeping me awake.)

At this stage of the game, I know that you have discovered that there exists a learned sage of untiring ability who diligently outlines every case book written in the field of legal erudition, by name, Martin Ziontz. The sceptic may question a student's success with the outlines, but no one will question the success they have brought to the wealthy Mr. Z. The question naturally arises as to whether or not a first year student should purchase these aids. Frankly, I have used them in some of my courses with varying degrees of success. They are not, as even Marty will admit, designed to be a substitute for case reading. They do not teach you how to reason legally, and should not be used as a crutch. They may be useful, however, for review purposes by way of giving you a convenient catalogue of the various principles

CLERKS

(Continued from Page 1)

and in the summers he continued his study of law with the firm of Harrigan and Caulfield, 6 Beacon St., Boston. After the termination of his clerkship Mr. Todd is considering entering Harvard Business School, thereafter to seek a position as house counsel for one of the larger corporations.

Edward F. Harrington, 26, of Fall River, received his appointment to the Superior Court. His position there, as clerk to Chief Justice Paul Reardon of that court, will differ from that of the other three, in that his work will involve a trial court, whereas Romero, Todd and Callahan will devote their entire time to the researching of problems in the final state court of appeal. After graduating cum laude from Holy Cross in 1955 where he majored in English Literature, he entered the Navy and spent his time as an officer attached to a destroyer in the Atlantic Fleet. While at the Law School, Harrington contributed to the Law Review, the Annual Survey of Massachusetts Law, and participated in the Moot Court program. He is married and the father of a boy and a girl; and at the termination of his duties with the Superior Court he plans to enter general practice.

and supplying a transition from one to the other.

Also available to the student is a complete set of what are ominously called "canned briefs". These are not recommended. Students who have relied on these in the past have found themselves, in the words of one of your more illustrious predecessors, "Out, out, irrevocably out, left to the tender mercies of Portia." An abstract written by you after you have read and digested the case will do much more for you than will a brief written by someone else. Once again there is no one way to write an abstract. Some third year students have all of their abstracts in the margin of their books. Others adhere to the method adopted by the legal research course here at the Law School which although time consuming, is probably the most effective method.

Each year students ask whether or not they should read all of the outside reading that is assigned or given out in class. It may be said that if everyone did so, an afternoon in the library would resemble closely a "Laurel and Hardy" two-reeler. Students are not expected to read and digest all of the outside cites unless they are specifically assigned. The material is made available to you as a complement to the required material and is generally good as a source of further information. If a principle covered in the course is not clear, the outside cite given in conjunction with that case or principle should be investigated.

By way of conclusion, it may be seen that the answers contained herein have been similar to the answers one might expect to find in some of our Supreme Court decisions. It was intentional. Students must adopt their own study habits and what we have outlined here is by way of showing what some of those who have gone before have done. It may be helpful. Each one of the first year students have the ability to make the grade. The courses are difficult, the examinations are impossible but the satisfaction one experiences after finding himself here for another year far outweighs any misgivings one might have as regards study. The upperclassmen of the Law School wish you the best of luck, but as this paper may have implied to you, you should not be satisfied with the donation of luck just received but should rather concentrate on making your own.

THE OPEN QUESTION

PRO

A gigantic step in the ever-advancing progress of our law school has been made by the publication of the *Boston College Industrial and Commercial Law Review*. In the Spring of 1960 the sixth edition of the Annual Survey of Massachusetts Law will be published, with its fine contributions from leading writers to the lawyers, jurists, teachers and students of Massachusetts law. It will not be an unexpected occurrence if the reader of these publications outside of the Law School glances for more than an occasional moment at the names of the Board of Student Editors of these two publications. If one compares the Board of each publication, he will notice that they are composed of the same people in the same editorial positions. To the reader this is not very significant nor earth-shaking; to the individual student editor, it is a moment of great pride and satisfaction for a job well done. At this point a moment of reflection should bring to the mind of each student editor the question, "What have I gained from this work and what, possibly, have I lost?"

It is true that the student editor gets no monetary reward. He has never asked for, hoped for, nor expected any reward of this sort. Has he gained everlasting fame and reputation? This is doubtful, for he joins the ranks of thousands of unheralded student editors of law school publications throughout the country. Is he acclaimed in his own school? This is doubtful, also. If a poll were taken of the student body or even of the faculty and they were asked to name the Board of student editors, few would be able to name them all. Probably only those close to the editors would know that they were editors. From these questions and their self-evident answers, there remains the query: "Why be an editor?" The answers are simple: self esteem, pride in a job well done, an activity to enter on his *resume* when seeking employment, and last but certainly by no means least, an opportunity to do legal writing. This last point, the legal writing, is very important in the aspirations of a student lawyer. However, the fact remains that one need not be an editor to write. This opportunity is presented to every member of the staff of the *Law Review*. There is no opportunity for any student to write for the *Survey*. Research is available to the student member of each publication.

These are the opportunities afforded to the student-editor by these publications. Let us look at what may or may not be a deterrent for future editors. This is important, for as the years progress, each student qualified for an editorial position will readily recognize its advantages, but will also want to know of any pitfalls which lie ahead. Of course, he will ask, "How will this affect my grades?" Rest assured, his grades will not be substantially affected if he continues to put in the same amount of time and work that previously made him a top student. Certainly a student editor puts in many hours on the two publications, and these hours must be discounted in advance by the student in determining how his study time should be allotted. The student editor, being in competition with his fellow students, is therefore put to a disadvantage. There can be no doubt as to this because of the extracurricular time which these publications demand of an editor. The problem, then, is how the competition between the student editor and his fellow students can be equalized; what can be done to put the two on an equal plane when one student puts in much more time than another. Should the student editor be penalized for attempting to elevate himself and the school by working for the school publications?

One solution for the student would be to refrain from any activity that would reduce his study time. This is why the school policy is that students should not work while attending law school. Certainly, work on the school publications cannot be considered in the same light as an outside

job. By withholding himself from school publication participation, the student obviously would be hurting himself. This practice would likewise hurt the school, since the more able students would not be participating. There must be some other answer.

Should the school "guarantee" marks, i.e., set some arbitrary grade and guarantee the student editor that he will not be given marks lower than the guaranteed grade? This is an untenable position for both the school and the student. In keeping with the high academic standards of Boston College, such guaranteed grades would only tend to lower that standard. It would be unfair to the other students who, in competition with the student editors, would find it virtually impossible to raise themselves. This would handicap the other students. It would be unfair to the student editor himself, since it would lend itself to hiding behind the guaranteed grade. It could easily impose on the student editor perhaps not a disinterested attitude toward his academic subjects, but perhaps a lackadaisical attitude, and he would indeed be hurting himself. Therefore, we can only conclude that guaranteed grades are not the answer to the student editor's problem.

All that this article can offer is a possible solution which it asks the administration to consider. Certainly it would be an affront to the well respected, competent, and intelligent administration and faculty, of which we are justly proud, to say that this is THE answer and you should accept it. Again, this is merely an opinion of a possible solution, and other solutions are by no means to be denied. The answer might well lie in the words "due and proper consideration." These words mean that when the grades of the student editor are tabulated by the individual professor and returned to the office, the examination number of the student editor be given to the professor along with the examination booklet, and the individual professor give "due and proper consideration" to the fact that this student has been handicapped in his competition with his fellow student. This does not mean a complete re-evaluation by the professor, but would mean that if there are any doubts in his mind as to whether the grade could be somewhat higher, the doubt would be resolved in favor of the student.

If it is the practice now, then all this would do is strengthen the existing practice so that it would favor the student editor more than it does now. The awareness of the fact that the blue book which the professor holds in his hands is that of a student who is not only carrying the burden of the normal academic requirements but has voluntarily chosen to aid the school and himself through many required hours of publication work, would possibly give that professor a better light by which to judge that blue book.

Another possible solution would be that *Law Review* and *Survey* work be given an assigned number of credits (perhaps two credits) with an assigned grade (perhaps B plus). This would compensate the student for time lost, equalize him with the other students, and not alter or change in any way, shape or form his other grades. There could be various modifications to this type of solution.

CON

The plaintiffs, the Student Editors of the *Law School Publications* in this action, are suing off the contract in a count of quantum meruit. The Student Editors are alleging that they deserve grade consideration in addition to the obvious rewards inherent in an editorship of the Annual *Survey* and the new *Law Review*.

The defendants, file a demurrer for failure to state a cause of action.

In this case, in view of the demurrer, we must assume facts alleged by the Student Editors as true and look at the evidence in a light most favorable to the plaintiffs.

A good approach to the problem we face might be to follow the student editor through this law school career.

We must necessarily begin our retrospection at the conclusion of our editor's first year. At this time the subject has received such marks as show he has a capacity for study, a fine legal mind and is eligible for a position on the *Survey* and *Law Review*.

Mr. Prospective Editor receives an invitation to join the staff of the legal publications of the *Law School* in summer. Being a proven intelligent individual his decision to join is most probably prompted by an intelligent determination that the advantages accruing to a member of the *Survey* and *Law Review* outweigh the sacrifices demanded.

In his second year our subject finds his studies have become more intense but that contra to the initiation speech delivered by his Editor-in-Chief, little is asked of him by the *Survey* and *Law Review*. The work is spasmodic and there are many hands to divide the toil. Still there is afforded an opportunity to do some legal writing and research. So as he concludes his second year our subject realizes no harm has been done him by his association with the *Survey* and *Law Review* and considerable advantages have been gained. His motives and goals in joining the staff have been in part attained.

He has learned more law and research methods, etc., than those who are not on the *Survey* and *Law Review*, and his name will appear in print. In our particular case our subject is further honored by being selected as an editor.

Now commences the last year of our editor. One need only look at the editors to observe the pride they feel in their accomplishments. The study load of the third year is considerably lighter than the second year. On the other hand the editor's time contribution to the *Survey* and *Law Review* must need be greater. The extra law, writing and methods acquired by the editor during the third year are great. It is at this point that the student editor makes his plea for grade consideration since this is the only year in which he is an editor. He is content to work for the *Survey* and *Law Review* with no consideration in his second year when time away from studies is more keenly felt.

Balancing what he has received from his association with the *Survey* and *Law Review*, knowledge, experience and a great preference for his services by judges and law firms, against what he has given, a little time in his second year and a greater amount of time in his third year, the Student editor wants still more - grade consideration.

The defendants submit the student editor does not need more, he should not want more, and there is no acceptable way of giving him more. He does not need more because he is by definition a superior student and in his second year an insignificant amount of time is taken from his studies, time which very possibly might have been spent in non-legal pursuits, and in his third year the time can be very well-afforded. So rather than being an equalizing factor, grade consideration to student editors would be an advantage to them. Student editors should not want a grade consideration because it would be reflection on their scholastic ability as well as an inducement for those of ulterior motive. Lastly, there exists no acceptable method to give grade consideration. A guaranteed mark is impossible. It is not done anywhere else nor would it be accepted by the ALSA. A private consideration given by a professor smacks of intrigue and might be subject to resentment. A professor might give great favor unconsciously to those he was closely associated with throughout the year. How much consideration was given would be impossible to determine. Students who write better exams and get equal or lower marks might be heard to complain. No, the whole method is too surreptitious to be possible!

In summary, the student editors do not need grade consideration. If the student editors were to receive a grade consideration on the basis of the time they gave, all members of the *Survey* and *Law Review* would be equally deserving. This would lead us into grade consideration for members of the *Sui Juris*, *Law Forum*, *Student Bar Association* and *Moot Court*, all of whom would have as potent an argument.

From

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